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EXAMINER

VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.







### DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (US 2002/0116491) in view of Hong (US 6,453,152).

Regarding **claim 1**, Boyd teaches a monitoring system comprising (Abstract): a central processing server (Fig. 1, Central Servers #10), wherein said central processing server performs **one** or more of: issues measurement requests for measuring conditions of a monitored area (Abstract, Fig. 1, Central Server #10s, request from Client Computer #12s); and processes data received in response to said measurement requests [0028-0029, 0034-0035]; a plurality of intermediate monitor sites communicatably connected to said central processing server for relaying said measurement requests (*Fig.1, Site to be Probed #14s*), and (*the server 10 receives test data from the probing computer 12, analyzes the data to determine the performance characteristics of*



*the probed Web site 14, [0052]]*; and a plurality of smart probes in communication with said plurality of intermediate monitor sites for measuring said data in response to said measurement request [0052, 0073-0075], wherein each one of said plurality of smart probes

**But Boyd does not clearly teach on** determines a set of conditions for said each one prior to said measuring.

However, Hong teaches a method for measuring a base station's performance in a mobile communication system that predetermined data before testing (Figs. 4-5, C4, L10-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyd, such that determines a set of conditions for said each one prior to said measuring, for testing, controlling, improving performance measurement of the base station over the wireless network.

Regarding **claim 2**, Boyd/Hong teach the monitoring system of claim 1 wherein said set of conditions comprises **one** or more of: availability of said each one to take said measurement request; capability of said each one for taking said measurement request; and a configuration of said each one needed to take said measurement request [0032, 0038-0039, 0057, 0081] of Boyd.

Regarding **claim 3**, Boyd/Hong teach the monitoring system of claim 1 wherein said central processing server further issues task requests for influencing a condition of said monitored area and wherein said plurality of smart probes perform tasks in



response to said task request relayed from said plurality of intermediate monitor sites (Fig. 1, [0052-0061]) of Boyd.

Regarding **claim 4**, Boyd/Hong teach the monitoring system of claim 3 wherein said set of conditions comprises **one** or more of: availability of said each one to perform said task request; capability of said each one for performing said task request; and a configuration of said each one needed to perform said task request [0032, 0038-0039, 0052-0061] of Boyd.

Regarding **claim 5**, Boyd/Hong teach the monitoring system of claim 1 wherein said plurality of smart probes: generates a random participation number for participating in **one** or more of said measurement request; compares said random participation number to a participation threshold; and determines participation in said measurement request according to said comparison [0031, 0054-0055, 0071, 0073] of Boyd.

Regarding **claim 6**, Boyd/Hong teach the monitoring system of claim 5 wherein said participation threshold is weighted according to **one** or more of: a number of participating ones of said plurality of smart probes; and an importance of said measurement request [0031, 0054-0055, 0071, 0073] of Boyd.

Regarding **claim 7**, Boyd/Hong teach the monitoring system of claim 1 further comprising: a transceiver disposed within said plurality of smart probes, wherein said transceiver enables communication between said plurality of smart probes (Abstract, as examiner interpreted that a transceiver equates to a communication module, Claim #11 reads on) of Boyd.



Regarding **claim 8**, Boyd/Hong teach the monitoring system of claim 7 wherein said plurality of smart probes exchange **one** or more of: select ones of said set of conditions; and a participation state of said plurality of smart probes [0031, 0054-0055, 0071, 0073] of Boyd.

Regarding **claim 9**, Boyd/Hong teach the monitoring system of claim 1 further comprising: a management computer disposed within said plurality of intermediate monitor sites (Fig. 1, Central Server Computer #10s) of Boyd.

Regarding **claim 10**, Boyd/Hong teach the monitoring system of claim 9 wherein said management computer performs **one** or more of: transmitting measurement requests to select ones of said plurality of smart probes responsive to **one** or more of: a capability of said select ones; and an availability of said select ones; receiving said data from said plurality of smart probes; and partially processing said data prior to communicating said partially processed data to said central processing server [0028-0041] of Boyd.

Regarding **claim 11**, Boyd/Hong teach the monitoring system of claim 1 wherein said plurality of smart probes are wireless (C1, L35-67 to C2, L1-33) of Hong.

Regarding **claim 12**, the combination of Boyd/Hong teach the monitoring system of claim 11 wherein said plurality of wireless smart probes are each located on a mobile platform (C1, L35-67 to C2, L1-33) of Hong.



***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd (US 2002/0116491).

Regarding **claims 13 and 24**, Boyd teaches a method for monitoring a measurement system (Fig. 1) comprising: issuing an experiment from a central server to a plurality of intermediate monitoring stations (Fig. 1, Central Server #10s, Client Computer #12s, Probed Sites #14s, [0015, 0028], Experiment=Testing); transmitting said experiment to a plurality of smart probes (Fig.1); determining at said plurality of smart probes a set of tasks for completing said experiment (Test/Result [0015, 0022, 0029]); performing said set of tasks (Abstract); and transmitting data resulting from said performing step to said central server (Fig. 1, [0028-0035, 0052-0066]).

Regarding **claims 14 and 25**, Boyd teaches the method of claim 13 further comprising: determining at said plurality of smart probes an availability to perform said set of tasks; and determining at said plurality of smart probes a capability of performing each of said set of tasks [0015-00147, 0033-0035].

Regarding **claims 15 and 26**, Boyd teaches the method of claim 14 further comprising: generating a random participation number at said plurality of smart probes; comparing said random participation number to a participation threshold; and



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determining a participation state of said plurality of smart probes responsive to said comparing [0041, 0065].

Regarding **claims 16 and 27**, Boyd teaches the method of claim 15 wherein said participation threshold is weighted according to one or more of: a number of said plurality of smart probes performing **one** or more of said set of tasks; and an importance attributable to said **one** or more of said set of tasks [0015-00147, 0033-0035].

Regarding **claims 17 and 28**, Boyd teaches the method of claim 13 wherein said experiment relates to conditions existing in select portions of said measurement system [0028-0041].

Regarding **claims 18 and 29**, Boyd teaches the method of claim 17 wherein said transmitting step comprises: ascertaining ones of said plurality of smart probes located within a predetermined distance from said select portions of said measurement system; and communicating said experiment to said ascertained ones of said plurality of smart probes (Fig. 1, [0015, 0022, 0029, 0052-0056]).

Regarding **claims 19 and 30**, Boyd teaches the method of claim 18 wherein said ascertaining is performed by said plurality of intermediate monitoring stations (Fig. 1, Client Computer #12).

Regarding **claims 20 and 31**, Boyd teaches the method of claim 13 further comprising: processing into said data, at said plurality of smart probes, measurements taken in said performing said set of tasks (Fig. 1, [0015, 0022, 0029, 0052-0056]).

Regarding **claims 21 and 32**, Boyd teaches the method of claim 13 further comprising: processing into said data, at said plurality of intermediate monitoring



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stations, information received from said plurality of smart probes (Fig. 1, [0015, 0022, 0029, 0052-0056]).

Regarding **claims 22 and 33**, Boyd teaches the method of claim 13 further comprising: exchanging information related to said experiment between said plurality of smart probes (Fig. 1, [0015, 0022, 0029, 0052-0056]).

Regarding **claims 23 and 34**, Boyd teaches the method of claim 13 further comprising: communicating between said plurality of smart probes to divide performance of selected tasks of said set of tasks between selected smart probes of said plurality (Fig. 1, [0052-0066]).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Vu

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**